



Oregon
Kate Brown, Governor

Water Resources Department

**East Region
1995 3rd St. Suite 180
Baker City, Oregon 97814
(541) 523-8224**

To whom it may concern we here in the East Region Office have helped Tom Smit with this application. If we can help in any way please contact Jason Spriet (ER Manager) or myself.

Thank You

Luke Albert (Asst. Watermaster Dist#8)

RECEIVED

NOV 21 2018

OWRD

RECEIVED

NOV 19 2018

OWRD

2-881690

**Oregon Water Resources Department
Alternate Reservoir Application**[Main](#)[Help](#)[Return](#)[Contact Us](#)

For impoundments less than 10 feet in height or storing less than 9.2 acre feet of water.

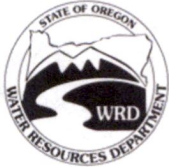
Today's Date: Friday, November 2, 2018

Base Application Fee.		\$410.00
Proposed Dam Height in feet.	9	
Proposed Reservoir volume in Acre Feet.	8.9	\$315.00
Permit Recording Fee. ***		\$520.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$1,245.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

RECEIVED**NOV 19 2018****OWRD**



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301
(503) 986-0900
www.wrd.state.or.us

RECEIVED

NOV 19 2018

OWRD

Application for a Permit to
**Store Water
in a Reservoir**
(Alternate Review)

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

Applicant: Thomas & Laura Smit
Mailing Address: 42588 Dance Hall RD
Richland OR 97870
Phone: 541-893-6610 n/a n/a
Fax: n/a E-Mail Address*: dustydesert@eagletelephone.com
* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

2. AGENT INFORMATION

The agent is authorized to represent the applicant in all matters relating to this application.

Agent: _____
Mailing Address: _____
Phone: _____
Fax: _____ E-Mail Address*: _____
* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

3. LOCATION AND SOURCE

A. Reservoir Name: Wyatt Reservoir (See attached USGS Feature Detail Report) (Attachment A)
B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.
Source: Maiden Gulch Tributary to: Powder Basin
C. County in which diversion occurs: Baker

App. No. 2-88690 For Department Use
Permit No. _____ Date _____

NOV 19 2018

OWRD

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
8 S	44 E	24	SE/NE	6900

E. Dam: Maximum height of dam: 9 feet. If excavated, write "zero feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 8.9
 Acre-feet = $\frac{(\text{Average Length})(\text{Average Width})(\text{Average Depth})}{43,560}$

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) ☐ Yes ☒ No

4. WATER USE

Indicate the proposed use(s) of the stored water. **NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.** If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.

Multipurpose

5. PROPERTY OWNERSHIP

Please provide a copy of the recorded deed(s).

Do you own all the land where you propose to divert, transport, and use water?

☒ **Yes** (please check appropriate box below then skip to section 5)



There are no encumbrances



This land is encumbered by easements, right of way, roads of way, roads or other encumbrances

☐ **No** (Please check the appropriate box below)



I have a recorded easement or written authorization permitting access.



I do not currently have written authorization or easement permitting access.



Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

NOV 19 2018

OWRD

6. ENVIRONMENTAL IMPACT

- A. **Channel:** Is the reservoir: ☒ in-stream or ☐ off channel?
- B. **Wetland:** Is the project in a wetland? ☐ Yes ☒ No ☐ Don't know
- C. **Existing:** Is this an existing reservoir? ☒ Yes ☐ No
If yes, how long has it been in place? 110 years.
- D. **Fish Habitat:** Is there fish habitat upstream of the proposed structure? ☐ Yes ☒ No ☐ Don't know
If yes, how much? _____ miles.
- E. **Partnerships:** Have you been working with other agencies? ☐ Yes ☒ No
Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

7. WITHIN A DISTRICT

☐ Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

8. DESCRIPTION

Provide a description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

Existing reservoir has an earthen dam on the southeastern end, a concrete spillway on east side, and an earthen emergency spillway on the west side. Surface water runoff flows into the reservoir from the northwest by means of an intermittent drainage channel. During periods outside of the authorized storage season water will flow unrestricted through the concrete spillway. During authorized periods of storage boards may be placed between the concrete spillway walls to partially restrict the flow, allowing for excess runoff.

NOV 19 2018

ODFW Alternate Reservoir Application Review Sheet

OWRD

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Thomas and Laura Smit

42588 Dance Hall RD , Richland, OR 97870 Ph. (541)893-6610 Email: dustydesert@eagletelephone.com

Reservoir Name: Wyatt Reservoir Source: Maiden Gulch Volume (AF): 8.9

Twp Rng Sec QQ: T8S, R44E, Sec 24, SE 1/4 of NE 1/4 Basin Name: Powder ☒ in-channel
☐ off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff.

1) Is the proposed project and AO¹ off channel? ☐ YES ☒ NO
(if yes then proceed to #4; if no then proceed to #2)2) Is the proposed project or AO located where NMF² are or were historically present? ☐ YES ☒ NO
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

a. Is there an ODFW-approved fish-passage plan? ☐ YES ☐ NOb. Is there an ODFW-approved fish-passage waiver or exemption? ☐ YES ☐ NOIf fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream? ☒ YES ☐ NO
Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)☐ Any diversion or appropriation of water for storage during the period _____ through _____ poses a significant detrimental impact to existing fishery resources.
(For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)
If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.☒ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

D. C. 97

RECEIVED

NOV 19 2018

OWRD

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

☐ NO (explain)

☒ YES (select from Menu of Conditions on next page)

b51a: The period of use has been limited to:
October 1 through April 14.

ODFW Signature:

Timothy D. Bailey

Print Name:

Timothy D. Bailey

ODFW Title:

District Fish Biologist

Date:

~~10/29/2018~~

NOTE: This completed form must be returned to the applicant.

10/29/2018

Revised 10/4/12

R-881090

Use this menu to identify appropriate conditions to be included in the permit, and indicate the abbreviations on the review form:

OWRD

fishpass: As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-pass facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-pass plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

fishself: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

fishapprove: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishdiv33: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishmay: Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

b51a The period of use has been limited to Oct 1 through April 14

b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

b58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

futile call: The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the _____ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

riparian: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

wq: The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

fence: The stream and its adjacent riparian area shall be fenced to exclude livestock.

blv: Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

R-88690

WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

The review of alternate reservoirs is limited to these criteria only.

Application #: R-

Applicant's Name: *Thomas & Laura Smit*

RECEIVED

NOV 19 2018

OWRD

1) Does the proposed reservoir have the potential to injure existing water rights?

☒ NO ☐ YES

Explain:

2) Can conditions be applied to mitigate the potential injury to existing water rights?

☒ NO ☐ YES

If YES, which conditions are recommended:

3) Did you meet with staff from another agency to discuss this application?

☒ NO ☐ YES

Who:

Agency:

Date:

Who:

Agency:

Date:

Watermaster signature:

Richard M. Rush

Date:

11-13-2018

WRD Contact:

Caseworker:

Water Rights Division, 503-986-0900 / Fax 503-986-0901

NOTE: This completed form must be returned to the applicant

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

RECEIVED

NOV 19 2018

Applicant: Thomas & Laura
First Last

Smit
Last OWRD

Mailing Address: 42588 Dance Hall RD

Richland OR 97870 Daytime Phone: (541) 893-6610
City State Zip

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
8S	44E	24	SE NE	6900		☐ Diverted	☐ Conveyed	☒ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Baker County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☒ Permit to Use or Store Water ☐ Water Right Transfer ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Allocation of Conserved Water ☐ Exchange of Water

Source of water: ☒ Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 8.9 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other Livestock

Briefly describe:

Multiuse - Livestock, wildlife, Emergency Fire Suppression

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

R-881-90

NOV 19 2018

OWRD

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): BC20 Section 410.02(A)

☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: Tara Micha Title: Planner
 Signature: Tara Micha Phone: 541-523-8219 Date: 11/13/18
 Government Entity: Baker Co. Planning Dept.

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

2-88690

EXHIBIT "A"

IN TOWNSHIP 8 SOUTH, RANGE 44 EAST of the Willamette Meridian, in
the County of Baker and State of Oregon:

Section 24: The East half of the Northeast quarter;
the North half of the Southeast quarter;
the West half of the Northeast quarter; and
the East half of the Northwest quarter;
EXCEPTING THEREFROM that portion lying within county
roads.

RECEIVED

NOV 19 2018

OWRD

Attachments - 'A' pg 1 of 2

Smit 2018



Geographic Names Information System (GNIS)

Stop! Do not bookmark or copy/paste this URL before reading [FAQs](#).
[Query](#)
[Result](#)
[FAQs](#)

Feature Detail Report for: Wyatt Reservoir

ID: 1129432

Name: Wyatt Reservoir

Class: Reservoir ([Definitions](#))Citation: State of Oregon. Water Resources Department Drainage Basin Maps:
Powder Basin. Salem: State of Oregon, 1979, 1:125,000. 1979Entry
Date: 22-May-1986

*Elevation: 3652/1113

*Elevations in feet/meters from the [National Elevation Dataset](#)

Counties

Sequence	County	Code	State	Code	Country
1	Baker	001	Oregon	41	US

Coordinates (One point per USGS topographic map containing the feature, NAD83)

Sequence	Latitude(DEC)	Longitude(DEC)	Latitude(DMS)	Longitude(DMS)	Map Name
1	44.8556361	-117.2674815	445120N	1171603W	Sparta

U.S. Department of the Interior || U.S. Geological Survey
 12201 Sunrise Valley Drive, Reston, VA 20192, USA
gnis_manager@usgs.gov
 Form updated: April 6, 2015
[USGS Privacy Policy and Disclaimers](#)

Mapping Services

[GNIS in ESRI Map](#)
[USGS The National Map](#)
[HomeTownLocator](#)
[ACME Mapper 2.0](#)
[Microsoft Virtual Earth](#)
[TerraFly.com](#)
[Find the Watershed](#)
[MapQuest](#)

Important Links

[GNIS Home](#)
[U.S. Board on Geographic Names](#)
[Mapping Information](#)

RECEIVED

NOV 19 2018

OWRD